IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTIETH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE C.V.RAMULU

WRIT PETITION NO : 4748 of 1998

Between:

Y.Balaram Babu, S/O Venkateswara Rao,

Lecturer in Zoology, CRR Autonomous college,

Eluru, West Godavari District.

..... PETITIONER

AND

1. The Government of A.P., rep., by its Principal Secretary,

Higher Education Department, Secretariat, Hyderabad.

2. The Director of Higher Education, A.P., Hyderabad.

3. The Secretary and Correspondent, CRR colleges of Group

Institution, Eluru, West Godavari District.

4. The Regional Joint Director of Higher Education,

Rajahmundry.

5. The Principal, Sir CRR Autonomous college, Eluru.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court will be pleased to issue order or orders or writ more particularly one in the nature of writ of Mandamus

directing the respondents to regularize the services of the petitioners as Lecturer in the department of Zoology in the third respondent college as per G.O.Ms.No. 328 dated 15.10.1997 with all consequential benefits etc., and without creating any artificial breaks in the continuity of service forthwith.

Counsel for the Petitioner:MR.MEHERCHAND NOORI

Counsel for the Respondent Nos.1, 2 and 4: GP FOR HIGHER EDUCATION

Counsel for the Respondent No. 4 : ..

Counsel for the Respondent No.5 : Sri.C.Kodandaram

The Court made the following :

ORDER:

This writ petition is filed seeking a Mandamus directing the respondents to regularize the services of the petitioner as Lecturer in the Department of Zoology in the third respondent college as per G.O.Ms.No. 328 dated 15.10.1997.

It is the case of the petitioner that he was initially appointed as Lecturer in Zoology in the third respondent college with effect from 22.10.1986. Thereafter, he was engaged as Lecturer in Fisheries as he was holding P.hd in Fisheries and since then he has been continuously working as Lecturer in Fisheries. However, his services were not regularized and absorbed in any regular vacancy to which he is suitable and eligible. According to the petitioner, he is entitled to be absorbed on regular basis as Lecturer as per G.O.Ms.No. 328 dated 15.10.1997. The petitioner made several representations, but there was no response from the respondents. Hence this writ petition.

A detailed counter-affidavit has been filed by the respondents denying the allegations made by the petitioner and it is further asserted that the petitioner was never appointed as Lecturer in Zoology and he was appointed only as a Lecturer in Fisheries Department right from his initial appointment in the year 1986. The Fisheries Department was wounded up since there was no student taking Fisheries Course. Except terminating the services of the petitioner, there was no other alternative available for the respondents and therefore, the regularization of services of the petitioner does not arise.

Further, in view of the interim orders passed by this Court, the petitioner is

continuing as a Lecturer without taking any classes.

It is not disputed by the petitioner that the Department of Fisheries has been wounded up. Therefore, the question of regularizing the services of the petitioner does not arise. However, since it is the fact that the petitioner was engaged as early as 1986 and is continuing as such till date, it is desirable that the respondents shall consider the case of the petitioner for absorbing him in any other suitable post, if he is otherwise eligible, as per law in the existing or in future vacancy.

The writ petition is accordingly disposed of. No costs.

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20.07.2005

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To

1. The Principal Secretary, Government of A.P., Higher Education Department, Secretariat, Hyderabad.

2. The Director of Higher Education, A.P., Hyderabad.

3. The Secretary and Correspondent, CRR colleges of Group

Institution, Eluru, West Godavari District.

4. The Regional Joint Director of Higher Education,

Rajahmundry.

5. The Principal, Sir CRR Autonomous college, Eluru.

6. Two C.Cs to the G.P., for Higher Education, High Court Buildings, Hderabad (OUT)

7. 2 CD copies